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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,391	10/03/2000	Daniel Bates	0007891-0002	6681

27160 7590 06/05/2003

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EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 06/05/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/679,391

Applicant(s)

BATES ET AL.

Examiner

ANTHONY J BLACKMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### **Examiner's Response to Amendment**

1. Examiner acknowledges applicants descriptive amending the title as follows:  
Interactive Method and Apparatus for Automatically Identifying an Object in a Series of Video Frames and Associating the Object with an Event.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by WISTENDAHL et al, US Patent No. 5,708,845.
4. Consider claim 31. WISTENDAHL et al disclose a method for automatically identifying an object in a plurality of video frames and associating the object with an event (abstract, lines 1-5, 12-19, column 1, lines 40-62 and column 2, lines 41-67, figures 1-5c) comprising:  
determining a location on one of said video frames where an action by a pointing device has occurred defining a selected location (figures 1-2, 4, elements 41a-41c and 44,

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figure 5a, elements 50a-50d, figure 5b, elements 51a-51d, figure 5c, column 3, lines 1-23, column 5, lines 23-45, 58-60, column 6, lines 22-39);

determining a color value for said selected location (column 5, lines 23-45); and automatically associating an event with said color value in said one video frame and succeeding frames associated with the color value (column 2, lines 41-67, column 3, lines 29-37, figure 5a, elements 50a-50e, and column 5, lines 23-45).

5. Consider claim 32. WISTENDAHL et al disclose a system for automatically identifying an object in a series of video frames (abstract, lines 1-5, 12-19, column 1, lines 40-62 and column 2, lines 41-67, figures 1-5c) comprising:  
a system for determining a color value for said selection location in said one frame (column 5, lines 23-45, figure 2 and figure 5a, elements 50a-50d); and  
a system for automatically associating an event with said object in said one video frame and succeeding frames (figure 5b, elements 51a-51e, column 1, lines 41-67, and column 2, lines 1-23).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. BARTOK, US Patent No. 5,737,553 discloses hotspot mapping to a display of pixels, each pixel of the display to a color, and each color to a definition of a functional object, such as an application or executable statement (abstract, lines 1-19), however, does not teach hotspot mapping to a color for frames and series of

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frames (i.e., object tracking or moving video or successive video frames). DARRELL et al, US Patent No. 6,188,777 disclose object tracking through color and location, using facial patterns, clothing, skin and hair from one frame to another and in three separate possible sequences of time, however, lacks any teaching related to hyperlinking or hotspot or event identification (column 6, line 61 to column 8, line 17).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANTHONY J BLACKMAN** whose telephone number is 703-305-0833. The examiner can normally be reached on **FLEX SCHEDULE**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-746-5731 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



ANTHONY J BLACKMAN  
Examiner  
Art Unit 2676

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June 1, 2003



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800